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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,644

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Robert Gustar

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07/14/2010

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EXAMINER

LEE, BRENITRA M

ART UNIT

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2889

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,644	Applicant(s) GUSTAR ET AL.	
	Examiner BRENITRA M. LEE	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,2,4-12,14-22,24-27 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the applicant's communication filed on 01 July 2010. In virtue of this communication, claims 1-2, 4-12, 14-22 and 24-31 are currently presented in the instant application.

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments, see pages 9-10, filed 01 July 2010, with respect to the rejection(s) of claim(s) 28 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stafford et al. (U.S. Patent 5,650,640).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Stafford et al. (U.S. Patent 5,650,640).

With respect to claim 28, Stafford et al. discloses in Figure 8, a method of manufacturing a light emitting panel (40), comprising: depositing a plurality of electroluminescent elements (35) (Col. 7, lines 44-57) on a transparent substrate (10); depositing a plurality of dielectric elements (34) (Col. 7, lines 33-42) on the substrate

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(10) in the gaps between the electroluminescent elements (35) so that the dielectric elements (34) extend further away from the substrate (10) than the electroluminescent elements (35) (See Figure 8); and depositing a conductive element (38) (Col. 7, lines 30-31) on top of each dielectric element (34) (See Figure 8).

Allowable Subject Matter

5. Claims 1-2, 4-12, 14-22, 24-27 and 29-31 allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: Regarding independent claim 1, the prior art of record neither shows nor suggest a light-emitting panel in part, wherein a plurality of conductive elements are arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Shi et al. (U.S. Patent 5,693,962) discloses in Figure 5, a light emitting panel, comprising: a transparent substrate (100); a plurality of electroluminescent elements (202, 203, 204) on the surface of the transparent substrate (100); a plurality of dielectric elements (103) located between the electroluminescent elements (202, 203, 204), a plurality of conductive elements (106, 108, 110) in contact with the dielectric elements (103).

Shi et al. does not disclose a plurality of conductive elements are arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Due to their dependency, claims 2, 4-12, 14-22 and 24-25 are necessarily allowable.

7. Regarding independent claim 26, the prior art of record neither shows nor suggest a sign panel in part, wherein a plurality of conductive elements arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Shi et al. (U.S. Patent 5,693,962) discloses in Figure 5, a light emitting panel, comprising: a transparent substrate (100); a plurality of electroluminescent elements (202, 203, 204) on the surface of the transparent substrate (100); a plurality of dielectric elements (103) located between the electroluminescent elements (202, 203, 204), a plurality of conductive elements (106, 108, 110) in contact with the dielectric elements (103). Shi et al. does not disclose a transparent, retroreflective layer and the light emitting panel within a sign panel.

Hubbell (U.S. Patent 6,422,714 B1) discloses in Figure 2, a sign panel with a transparent, retroreflective layer (10, 12) (Col. 3, lines 8-9, Col. 4, lines 45-47) arranged on the opposite side of the transparent substrate to the electroluminescent elements in order to ensure view of the illuminated sign at night before the retroreflective properties are activated (Col. 1, lines 65-67, Col. 2, lines 1-4).

The combination does not disclose wherein a plurality of conductive elements arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Due to its dependency, claim 27 is necessarily allowable.

8. Regarding independent claim 29, the prior art of record neither shows nor suggest a method of emitting light from a light-emitting panel in part, wherein the

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conductive elements are arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Shi et al. disclose a method of emitting light from a light-emitting panel, wherein the panel includes a transparent substrate (100), a plurality of electroluminescent elements (202, 203, 204) on the surface of the transparent substrate (100), a plurality of dielectric elements (103) located between the electroluminescent elements (202, 203, 204), and a plurality of conductive elements (106, 0108, 110) in contact with the dielectric elements, the method comprising: supplying an alternating voltage to alternate conductive elements so that each of the electroluminescent elements is provided with an alternating voltage across it and emits light (Col. 6, lines 66-67, Col 7, lines 1-20).

Shi et al. does not disclose the conductive elements are arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

9. Regarding independent claim 30, the prior art of record neither shows nor suggest a method of emitting light from a light emitting panel in part, wherein the conductive elements are arranges so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Shi et al. disclose a method of emitting light from a light-emitting panel, wherein the panel includes a transparent substrate (100), a plurality of electroluminescent elements (202, 203, 204) on the surface of the transparent substrate (100), a plurality of

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dielectric elements (103) located between the electroluminescent elements (202, 203, 204), and a plurality of conductive elements (106, 0108, 110) in contact with the dielectric elements, the method comprising: supplying an alternating voltage to adjacent pairs of the conductive elements so as to activate a first set of alternate electroluminescent elements to emit light (Col. 6, lines 66-67, Col 7, lines 1-20).

Shi et al. does not disclose the conductive elements are arranged so as to apply a voltage across each of the plurality of electroluminescent elements in a direction substantially parallel to the surface of the transparent substrate.

Due to its dependency, claim 31 is necessarily allowable.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENITRA M. LEE whose telephone number is (571)270-7552. The examiner can normally be reached on Monday-Friday 7:30 am - 6:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENITRA M. LEE/
Examiner, Art Unit 2889

/Karabi Guharay/
Primary Examiner, Art Unit 2889